

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 5, 1964

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REVEREND CARLOS BUCK, El Buen Presbyterian Church.

MAYOR PALMER, noting there are some citizens who are always working for the good and the betterment and welfare of the City, either in contributing services, or providing property, or in some way helping to enrich the life of the Community. He read a resolution of eulogy of MR. MICHAEL BUTLER, and of commendation of his sons, JOHN FRANCIS BUTLER and THOMAS JAMES BUTLER; grandsons, MICHAEL WOOD BUTLER, THOMAS JAMES BUTLER, JR., and MARTIN BUTLER; and great grandson JOHN BUTLER for the contributions to the civic, cultural and industrial life of Austin, and of recognition of their conveying to the City 49.49 acres of land, which is part of the City's frontage on the Town Lake, for less than its full value. Councilman LaRue offered the following resolution:

(RESOLUTION)

WHEREAS, between the years 1873 and 1909, Michael Butler developed a thriving addition to the economy of his community in brick and ceramics, and rendered distinguished service by generously contributing to the civic and cultural life of the City; and

WHEREAS, three generations of Butler men: his sons, John Francis Butler and Thomas James Butler; his grandsons Michael Wood Butler, Thomas James Butler, Jr. and Martin Butler; and great grandson John Russell Butler are continuing the tradition of the industry developed by Michael Butler and his interest in the community affairs of Austin; and

WHEREAS, the 49.49 acres of land in the Isaac Decker League which was conveyed to the City of Austin from the estate of the late and beloved Michael Butler

for less than its full value, now serves as one of the most valuable assets of the City as the site for Austin's magnificent auditorium, it's coliseum, the Chamber of Commerce and Junior Chamber of Commerce offices, the armory for the Naval and Marine Reserve, offices of some City departments, various playing fields, and a part of the City's frontage on Town Lake; Now, Therefore;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the 49.49 acres of land in the Isaac Decker League conveyed to the City of Austin by deed dated June 28, 1941, of record in Volume 681, Pages 199-203 of the Deed Records of Travis County, Texas, shall hereafter be officially known as "Butler Civic Center" in honor of the life and services of the late and distinguished Michael Butler; and,

BE IT FURTHER RESOLVED:

That in keeping with the spirit of the man being today honored, this action of recognition and appreciation shall, in no manner, be construed as being intended to impair in anywise, the full and unrestricted freedom of the City he loved, to develop all or part of said land for any use which the governing body of the City shall from time to time find to be in the best interests of posterity.

The Council in recognition and appreciation of these gentlemen and in honor of MR. MICHAEL BUTLER, by rising vote adopted the Resolution.

Mr. Mike Butler expressed appreciation, stating his father had wanted this land to belong to the City, and that the Council should be apprised of his father's wish. Mr. Martin Butler expressed gratitude that his father's name be commemorated through the action of this Council by this Resolution. MR. WALTER E. LONG, MR. A. WATT HARRIS, MR. VIC MATHIAS, and others expressed pleasure in the name of this tract in honor of MR. BUTLER. Councilman Shanks stated the acquisition of the Butler tract was a wonderful and generous thing, by the Butler family, but it is minute in its value compared to what the Butler men themselves have contributed to the City of Austin. Mayor Palmer, as he presented the Butler family the Resolution signed by all members of the Council, recalled that West 1st Street was made possible through the cooperation of Mr. Martin and Mr. Mike Butler. Councilman White expressed his happiness in taking part in this recognition and adoption of the Resolution.

Councilman Long moved that the Council grant the request made by MR. VIC MATHIAS, Chamber of Commerce, to use TOWN LAKE for the Water Ski Association Tournament on April 2, 3, 4, and 5, 1964. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman White moved that the Minutes of the Meeting of February 20, 1964, be approved. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Palmer
Noes: None
Not in Council Room when roll was called: Councilman Shanks

Councilman Long introduced the following ordinance and moved that it be published in accordance with Article I, Section 6 of the Charter of the City of Austin and set for public hearing on March 19, 1964 at 10:45 A.M.:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 7.57 ACRES OF LAND OUT OF AND A PART OF THE HENRY P. HILL SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Barton Terrace, Section 2)

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, White, Mayor Palmer
Noes: None
Not in Council Room when roll was called: Councilman Shanks

Mayor Palmer brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF (A) 15.57 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NO. 57, AND (B) 14.28 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JOHN APPELGAIT SURVEY; SAID TERRITORY BEING IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Cameron Park, Section One; Country Air, Section 2, portion of Peyton Gin Road, and unplatted tract)

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Long moved that the Council receive and hear the report from the Austin City Council's Committee to Study Human Relations, at 2:30 P.M., March 12, 1964. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

MR. RICHARD BAKER appeared representing the Austin Home Builders stating they were in full accord with the ordinance with the exception of the Section providing an increase in the building fee of 1/4¢; that they wanted a sufficient delay of the passage of this Ordinance to study this increase to see if there really was this need; and if not, that they ask that the ordinance be passed with the present fee, so that they would have 30 days in which to make their study. They will continue with their survey however; and in the event the study shows the Building Official's Department does not need the 1/4 cent, the Association will be back, asking that the charge be rolled back. Mayor Palmer brought up the following ordinance for its third reading:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES IN THE CITY OF AUSTIN, TEXAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH," WHICH ORDINANCE WAS ENACTED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON APRIL 30, 1931, AND IS OF RECORD IN BOOK "I", PAGES 387-544 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN BY AMENDING CHAPTERS 1 THROUGH 4 OF SAID ORDINANCE; PROVIDING FOR A BUILDING DEPARTMENT AND BOARD OF APPEALS; DEFINING THE POWERS, DUTIES, AND MEANS OF APPOINTMENT OF THE PERSONNEL OF EACH; REGULATING CONSTRUCTION, DEMOLITION, USE AND REMOVAL OF BUILDINGS; DECLARING NUISANCES, PRESCRIBING FEES, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DEFINING TERMS.

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Building Official pointed out the immediate advantages, as he now had an opportunity to discuss with the State Fire Insurance Commission the possibility of getting the key rate lowered. Councilman LaRue expressed appreciation for the help of the Home Builders, and hoped they would continue with the survey to see if any economies could be effected. Councilman Long expressed appreciation to the Home Builders for taking the interest in this Code as they have; and stated when a Code is written, and there is only one small difference, she felt that the Code must be pretty good. She believed the Home Builders would not be too unhappy with this one item; and if they did find the fee excessive, the Council would hear them again.

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there has been submitted to the Building Inspector, the application of Mr. E. D. Bohls for a building permit together with a site plan dated March 3, 1964, meeting the requirements of Section 10-B, 3 of the Zoning Ordinance of the City, for certain building establishment at 2404 Swisher Street, more particularly described in said application; and,

WHEREAS, it has been found and determined by the City Council of the City of Austin that, based upon the use of the premises for the purpose of erecting an apartment hotel the maximum number of parking spaces which will probably be used by employees and customers of such establishment, taking into account the loading facilities on the site, the public parking areas and street space available for parking in the vicinity, public safety, and free circulation of traffic both on and off the site, is fourteen (14) parking spaces; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That fourteen (14) spaces is an adequate number of parking spaces for the establishment shown on the site plan of E. D. Bohls dated March 3, 1964, for use of the premises for the purpose of erecting an apartment hotel.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

MR. JOE MATTINGLY appeared later in the meeting making inquiry about this construction and the number of parking spaces required. It was stated one parking space was provided for every bedroom.

The City Manager submitted the following:

"February 27, 1964

"MEMO TO: Mr. W. T. Williams, Jr., City Manager SUBJECT: Zig-Zag Grounding Transformers

"Bids were opened by purchasing agent at 10:00 A.M. February 27, 1964 for two (2) Zig-Zag Grounding Transformers to be installed at Seaholm Plant described in City of Austin Specifications E 432. The bids were referred to the Electric Department for evaluation.

"The bids are tabulated below:

| <u>BIDDER</u> | <u>PRICE</u> | <u>DELIVERY</u> |
|-----------------------------|--------------|-----------------|
| Westinghouse Electric Corp. | \$23,610.00 | 13 Weeks |
| General Electric Co. | 20,648.00 | 16 Weeks |
| Priester Mell Supply Co. | 22,000.00 | 10 Weeks |
| Allis-Chalmers Mfg. Co. | 23,200.00 | 12 Weeks |

"All bidders quoted a firm price and terms of net 30 days. All deliveries are satisfactory.

"I recommend that we accept the lowest and best bid of the General Electric Co. for \$20,648.00.

"FROM: D. C. Kinney,
Director Electric Utility

SIGNED: D. C. Kinney"

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 27, 1964, for two (2) Zig-Zag Grounding Transformers to be installed at the Seaholm Plant; and,

WHEREAS, the bid of General Electric Co., in the sum of \$20,648.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director Electric Utility, of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of General Electric Co., in the sum of \$20,648.00, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with General Electric Co.

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long noted sometime back a front-end loader was purchased, and she suggested buying these pieces of equipment at one time, and getting a better price. The City Manager stated the factory bid directly; and he did not know if any more discount could be obtained; however, it would be tried. Councilman Long suggested that the Purchasing Department might try grouping the equipment and save some money.

The City Manager submitted the following:

"MEMO TO: Mr. W. T. Williams, Jr., City Manager SUBJECT: Bids on 65,000 KVA Power Transformer
"February 27, 1964"

"Bids were opened by the purchasing agent at 10:00 A.M. February 27, 1964 for one 65,000 KVA Power Transformer described in City of Austin Specification E 431 to be installed at Seaholm Plant.

"The bids are tabulated below:

| <u>BIDDER</u> | <u>PRICE</u> | <u>DELIVERY</u> |
|------------------------------|--------------|-----------------|
| Pennsylvania Transformer Co. | \$158,000.00 | 10 Months |
| Allis-Chalmers Mfg. Co. | 176,200.00 | March 1965 |
| Westinghouse Electric Corp. | 139,577.00 | 26 Weeks |
| General Electric Co. | 151,298.00 | 36 Weeks |

"All bidders quoted a firm price and terms of net 30 days. All deliveries

are satisfactory except Allis-Chalmers.

"I recommend that we accept the lowest and best bid of the Westinghouse Electric Corp. for \$139,577.00.

"FROM: D. C. Kinney
Director Electric Utility
SIGNED: D. C. Kinney"

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin, on February 27, 1964, for one 65,000 KVA Power Transformer to be installed at the Seaholm Plant; and

WHEREAS, the bid of Westinghouse Electric Corp., in the sum of \$139,577.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director Electric Utility, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Westinghouse Electric Corp., in the sum of \$139,577.00, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Westinghouse Electric Corp.

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager submitted the following:

"March 3, 1964

"TO: Honorable Mayor and Members of the City Council

SUBJECT: Bids for one Industrial Type Tractor with Front End Loader and Hydraulically Operated Backhoe - Street and Bridge Division

"Bids were opened at 2:00 P.M. February 28, 1964 in the office of the Purchasing Agent for one Industrial Type Tractor with Front End Loader and Hydraulically Operated Backhoe.

"This equipment will be used for storm sewer pipe work and utility pavement repairs. The City's estimated cost was \$6,500.00.

"These bids are as follows:

| | |
|------------------------------------|-----------------|
| Central Texas Equipment Company | \$7,198.00 |
| Austin Truck and Machinery Company | 5,788.35 |
| International Harvester Company | <u>5,577.00</u> |
| Travis County Equipment Company | 6,086.02 |
| Travis County Equipment Company | 5,896.23 |
| (Alternate bid) | |

"RECOMMENDATION: It is recommended that International Harvester Company be awarded the contract with the low bid of \$5,577.00.

"W. T. Williams, Jr., City Manager"

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 28, 1964, for one industrial type tractor with front end loader and hydraulically operated backhoe, for use by the Street and Bridge Division of the City; and,

WHEREAS, the bid of International Harvester Company, in the sum of \$5,577.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of International Harvester Company, in the sum of \$5,577.00, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City with International Harvester Company.

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:

A 0.76 ACRE TRACT OF LAND AT THE SOUTHWEST INTERSECTION OF U. S. HIGHWAY 290 AND MIRA LOMA LANE, LOCALLY KNOWN AS 7019-7033 U. S. HIGHWAY 290 AND 6908-7024 MIRA LOMA LANE, FROM "A" RESIDENCE DISTRICT TO "C-1" COMMERCIAL DISTRICT;
SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:
(1) EAST 75 FEET OF LOTS 1 AND 2, BLOCK 1, PECAN VALLEY SUB-DIVISION, LOCALLY KNOWN AS REAR OF 1121D-1123D SPRINGDALE ROAD, 1120D-1122D MAP STREET AND 4602 SARA DRIVE, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (2) (A) TRACT 1: AN 11,175 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS REAR OF 4719-4723 BURNET ROAD; (B) TRACT 2: A 5,250 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS REAR OF 4709-4717 BURNET ROAD; AND (C) TRACT 3: AN 11,175 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS REAR OF 4725-4729 BURNET ROAD, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (3) A 0.45 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1184-1190-1/4 AIRPORT BOULEVARD, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (4) LOT 5, BLOCK 3, OUTLOT 68, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; (5) FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT AND "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT (A) TRACT 1: TO "B" RESIDENCE DISTRICT ON A 2.16 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2414-2502 STECK AVENUE; (B) TRACT 2: TO "B" RESIDENCE DISTRICT ON A 1.52 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2415-2503 STECK AVENUE; (C) TRACT 3: TO "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT ON A 0.77 ACRE TRACT OF LAND, LOCALLY KNOWN AS 8224-8242 BURNET ROAD AND 2400-2412 STECK AVENUE; (D) TRACT 4: TO "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT ON A 0.69 ACRE TRACT OF LAND LOCALLY KNOWN AS 8206-8216 BURNET ROAD AND 2401-2415 STECK AVENUE; AND (E) TRACT 5: TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON A 1.50 ACRE TRACT OF LAND AT THE REAR OF TRACTS 2 AND 4, LOCALLY KNOWN AS 8200-8204 BURNET ROAD; (6) (A) THE NORTH-WEST ONE ACRE OF BLOCK T; EAST 45 FEET OF LOT 1, BLOCK R; AND THE WEST 53.8 FEET OF LOT 2, BLOCK R, RIDGETOP ADDITION; AND (B) THE EAST 54 FEET OF THE WEST 107.8 FEET OF LOT 2, BLOCK R, RIDGETOP ADDITION, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (7) AN 8,410 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 4500 AVENUE B AND 400-404 WEST 45TH STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (8) LOTS 52 AND 53, OUTLOT 55, DIVISION B, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND (9) A 0.427 ACRE TRACT OF LAND,

LOCALLY KNOWN AS 3825-3835 SOUTH INTERREGIONAL, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Attorney stated the action on DAVID B. BARROW, et al zoning at 3825-35 South Interregional Highway, from Interim "A" Residence to "GR" General Retail was to refer the case back to the Planning Commission for study of 2nd Height and Area, and it had indicated it was favorable to granting "GR" General Retail 1st Height and Area; but Mr. Barrow had not applied for 2nd Height and Area. Mr. Barrow says now his purchaser would be satisfied with first Height and Area. This ordinance covers "GR" General Retail 1st Height and Area.

The Mayor brought up the following zoning applications deferred from last week:

| | | |
|------------------|--------------------------|---|
| ROBERT C. AMMANN | 912-1012 Peyton Gin Road | From Interim "A" Residence To "C" Commercial Amended to "LR" Local Retail NOT Recommended by the Planning Commission |
|------------------|--------------------------|---|

The City Attorney called attention to the fact the property was not in the city limits at the time the application was made, nor at the time the hearing was held before the Planning Commission. The zoning might be subject to attack. He

Mayor Palmer introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 19TH DAY OF MARCH, 1964, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.
(Blackson Avenue and sundry other streets)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Long suggested that "no parking" between 7:00-9:00 A.M. and 4:00-6:00 P.M. be established on both sides of Duval from San Jacinto to 45th Street.

The City Manager said 94 easements which would permit the City to keep trees trimmed down to keep the flight path of the airplanes clear had been acquired, and there are only two property owners who have failed to give this type of easement. It will be necessary to file suits in eminent domain to acquire these two easements. Ninety-four property owners have given easements. The City Attorney stated this was a very uncommon occurrence, and it is indicative of the kind of citizens that Austin has. He stated it was easy to overlook the cooperative spirit and the community interest that the citizens of Austin have, and this was manifested in an unusual way. These people's properties are located near the Airport, and they are affected differently than other peoples' properties are, but it is the community of interest between these property owners that is commendable. He stated some of their trees were large pecan trees, or large oak trees. The City Attorney stated this was a tribute not only to the people concerned, but to three of the City's employees who should be commended--MR. BILL WARD, MR. PAUL JONES and MR. GLEN CORTEZ who have been very helpful in securing these easements. Councilman White inquired as to whether or not these pecan trees were going to be injured. The City Attorney stated it was not believed there would be any permanent damage; as a matter of fact where some of this work has been done, it has resulted in trees' providing a more intense shade. He stated experienced men did the work. Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, airport zoning regulations for the Robert Mueller Municipal Airport have been duly enacted by the Joint Airport Zoning Board of Austin and Travis County, Texas; and

WHEREAS, such regulations established certain maximum heights above which no objects of natural growth or other objects may project; and

WHEREAS, upon the date of enactment of such regulations, there existed in certain of the zones thereby created, non-conforming uses consisting of objects of natural growth and other objects which exceeded the maximum height permitted by such regulations; and

WHEREAS, the City Council of the City of Austin has found that public necessity requires the removal of all such non-conforming uses from the approach zones to the said airport as said zones are described in the airport zoning regulations; and

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of an easement for trimming and lowering the non-conforming objects of natural growth or other objects now existing on the hereinafter described tract of land to the extent such objects exceed the maximum height permitted on such tract by such regulations; and

WHEREAS, the City of Austin has negotiated with the owners of said land and has been unable to agree with such owners as to the fair cash market value of such easement; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire the hereinafter described easement across the hereinafter described

tract of land, to-wit:

An easement for trimming and lowering objects of natural growth and other objects now existing on that certain portion of Lot 13, Block Q, Addition to Ridgetop, a subdivision of a portion of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas, according to a map or plat of said Addition to Ridgetop of record in Book 2 at Page 202 of the Plat Records of Travis County, Texas, which certain portion of Lot 13 was conveyed to Ruth Miller Clendennen by instrument dated June 22, 1938 of record in Volume 680 at Page 300 of the Deed Records of Travis County, Texas, to the extent that such objects may extend more than 33.00 feet above the surface of said land as it presently exists, together with the right of ingress and egress for such purpose.

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, airport zoning regulations for the Robert Mueller Municipal Airport have been duly enacted by the Joint Airport Zoning Board of Austin and Travis County, Texas; and

WHEREAS, such regulations established certain maximum heights above which no objects of natural growth or other objects may project; and

WHEREAS, upon the date of enactment of such regulations, there existed in certain of the zones thereby created, non-conforming uses consisting of objects of natural growth and other objects which exceeded the maximum height permitted by such regulations; and

WHEREAS, the City Council of the City of Austin has found that public necessity requires the removal of all such non-conforming uses from the approach zones to the said airport as said zones are described in the airport zoning regulations; and

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of an easement for trimming and lowering the non-conforming objects of natural growth or other objects now existing on the herein-after described tract of land to the extent such objects exceed the maximum height permitted on such tract by such regulations; and

WHEREAS, the City of Austin has negotiated with the owners of said land and has been unable to agree with such owners as to the fair cash market value of such easement; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders, a suit in eminent domain

to acquire the hereinafter described easement across the hereinafter described tract of land, to-wit:

An easement for trimming and lowering objects of natural growth and other objects now existing on Lot 9, Block Q, Addition to Ridgetop, a subdivision of a portion of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas, according to a map or plat of said Addition to Ridgetop of record in Book 2 at Page 202 of the Plat Records of Travis County, Texas, which Lot 9 was conveyed to Joe F. Martin, et ux, by Warranty Deed dated May 19, 1943 of record in Volume 721 at Page 447 of the Deed Records of Travis County, Texas, to the extent that such objects may extend more than 31.00 feet above the surface of said land as it presently exists, together with the right of ingress and egress for such purpose.

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager presented the request of the First Federal Savings and Loan Association, through Mr. A. B. Shierlow, for additional parking spaces, as they did not have enough to get their customers in and out. The Traffic Engineer recommended that two more spaces on San Jacinto Street south of 11th Street, be provided by means of hooded meters. Councilman Shanks moved that the Council accept the Traffic Engineer's recommendation. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor asked if something could be done about some of the parking meters in front of the old bakery that Heritage Society is restoring. They have asked if those spaces could be used as a parking zone for tourists. Councilman Long suggested leaving it as it is, and stated there were seven vacant buildings on Congress Avenue, and parking has a lot to do with this situation. Everytime a space is taken away, it drives another person out to Hancock Center or Capital Plaza. She stated what the City should do is to build parking spaces down town rather than taking them away. She stated it may be necessary to have slant-in parking if down town gets as deserted as some people say it is. She said she would not be in favor of providing these parking spaces for the Heritage Society at this time. Councilman Shanks suggested taking it under advisement and looking into it. Councilman White suggested that the matter be studied. Councilman Long agreed also that a study be made.

The City Manager reviewed a memorandum from the Recreation Director suggesting a program for the dedication ceremonies at the Morris Williams Golf Course on April 18, 1964, at 10:00 A.M. Councilman Long suggested Dr. John Barclay as one to bring the invocation, as Mrs. Barclay is quite a golfer. The Mayor asked the members of the Council if it approved this program. The members

agreed. The City Manager added a suggestion that MR. WALTER ROBERTS and MR. RICHARD REILLY at one time operated dairy farms on this site, and it was indicated that they might be asked to be in this first match. He recommended that he add them, and that they could follow the Council. The Council informally agreed. The City Manager asked if the Council had any further suggestions. No further suggestions were made.

The Mayor stated the Austin Golf Association, the Intra-City Golf Council of Austin which consists of members of the Austin Golf Association, Austin Women's Golf Association, Austin Women's Public League Golf Association, Capital City Golf Association, and the Pan American Golf Association, requested a meeting with the City Council to discuss the rate increase of green fees at the municipal golf courses. Councilman LaRue moved that the Council request these people to appear at 4:00 P.M., Thursday, March 12, 1964. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager stated he had a letter from MR. TRUEMAN O'QUINN requesting the use of the Fire Station on 30th Street as a polling place in Precinct 228, and for the Precinct Convention on May 2nd and June 6th. The City Manager said the fire stations did not make suitable polling places, and inquiry would be made for the First English Lutheran Church, and possibly at another location at 31st and Speedway. Councilman Long said consideration should be given to what would be the most convenient for the general public, and stated the Church had an Education Center that might be used. The City Manager stated more checking would be done.

The City Manager reported negotiations were being made with the SKINNER family for property that belonged to Mr. Sam Skinner west of the Missouri Pacific Railroad and north of what is commonly called Camp Mabry Road. In the arrangements with the Railroad, there was an agreement that the City would eliminate all grade separations according to a schedule. This grade separation was to have been eliminated last December, but an extension of 90 days was granted. Councilman White moved that the City Manager be authorized to proceed to purchase the property. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long brought up a matter, stating she would like to see if the Council would not want to instruct the City Manager to look into the possibility of getting liability insurance or some means of protecting the people who work in vital jobs like firemen and policemen. The City Manager stated the City did have such coverage. Councilman Long stated it was not very comprehensive. The City Manager inquired if she were speaking specifically of compensation for an employee who loses his life. He stated there was Workmen's Compensation, and the City would like to have them covered by Social Security; but unfortunately the firemen and policemen are not covered. Councilman Long reported that in many cities in the Country these people in such precarious jobs are covered, and the City pays

the widow sometimes full salary for the rest of her life, or they will pay half to the family and children and help them through school. The City Manager stated that Social Security alone would have paid to the widow of the Police Officer recently killed, \$254.00 a month for 16 years. Councilman Long stated she did not have that coverage. The City Attorney stated the reason the Fire and Police were not covered, according to the U. S. Congressmen and Senator, was the firemen opposed it. Councilman Long stated they had withdrawn from that position now. The City Manager stated the local firemen and policemen had petitioned for Social Security, but the State and National Firemen Association opposed it. Councilman Long stated these people--the policemen and the firemen and possibly the linemen need protection until this Social Security is passed, and the City should provide some security for these people's families. She noted in the Houston Chronicle or some recent paper that every five days throughout the country a policeman was killed. In many areas they do have protection for them, and she thought the City should pursue this. The Mayor inquired if she included the linemen. The City Attorney stated the linemen had Social Security coverage; and there are only the firemen and policemen who are not covered, and the only reason they are not covered is because the Firemen's Union oppose it. Councilman Shanks stated it would be more in line urging these people to go under Social Security. The City Attorney reported it was available; that it is available to other policemen and firemen in numerous other states and cities. The Mayor reported in the recent case, since there had been so much misinformation, that a substantial amount was received from the City of Austin. Councilman Long stated what she was talking about, was why should the general public be required to make up a fund to keep a person's family for the rest of its life when the employer should do it. A person in this position should not have to be in a position of having to receive gifts. The City Manager listed the items which were paid to the widow--Workmen's Compensation, Life Insurance, accumulated sick leave and vacation, contributions to the Retirement System with interest; and a Police group insurance policy. Councilman Long stated there were two children that had to live a lifetime without their father, and she thought the City should study this comprehensive coverage. Councilman Shanks asked if the Policemen wanted Social Security. The Chief of Police stated they surely did; that twice the Policemen had signed 100% petitioning and requesting this and had sent it to Washington. In addition to the Federal Legislation the State also has to pass enabling legislation. The State did at the last session pass a bill which made it possible for policemen only of cities under 200,000 population. Police Departments of the larger cities, Dallas, Fort. Worth, Houston, and San Antonio, had been opposed to Social Security because they feared it would weaken their own pension system. By passing it for cities under 200,000 opposition of the Firemen was eliminated as well as the opposition of the large Police Departments. The bill originally introduced was only for policemen but later they did include firemen, and it was reported out favorably. The City Attorney stated if the Council would officially take a position that could be communicated to the Congressmen, it would help. Councilman Shanks suggested that the City Manager study this and report back a recommendation. Councilman Long moved that we urge our Congressmen and Senators to pass the Legislation that will grant Social Security to firemen and policemen. The Mayor stated he had been working real hard with the firemen on improving their pension system, and they are working up a very good pension system. He stated he wanted to be sure that the firemen were for this. Councilman Long amended her motion to leave the firemen out, but put them back in if the Mayor found out they were for it. The Mayor stated he would like to have a recommendation from them. Councilman Long moved that the Council urge the Congressmen and Senators to favor any type of Social Security Coverage for the City's Policemen. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

MAYOR PALMER stated everyone knew this was a most tragic thing that happened. This is the first time since 1928 that a policeman has been lost like this in the line of duty. He discussed the insurance coverage, the ability of policemen to get personal insurance; and the insurance which is paid for by the City that wherever a policeman or fireman is held personally liable, even though he has political immunity as a policeman and a fireman, if it is determined he has a responsibility personally, the City does furnish insurance to cover that personal liability. Councilman Long asked that a study be made. The City Attorney stated the people of Austin are entitled to know that the people of Austin have looked out after the interests of their firemen and policemen in a better way than firemen and policemen and other employees are generally looked after in other cities. They have more protection and more advantages than city employees in most other cities have. Councilman Long stated all cities were doing what Austin is doing. Houston pays either a half or 100% of the salary of anyone that is killed, to the widow and family. The Mayor stated this may be a part of the Houston Pension System.

The City Manager made a report on the zoning application filed by MR. GIBSON R. RANDLE covering 51ST STREET CORPORATION for change of zoning at East 51st Street and Interregional Highway from "LR" Local Retail 1st Height and Area and 5th Height and Area to "C" Commercial 1st Height and Area and 5th Height and Area, stating there was a question of an avigation easement. Since this area is now in the Airport zoning, the easement is not needed. As to street right of way, the Planning Department is of the opinion the full right of way still is needed for East 51st Street; the possibility of getting a bridge constructed over 52nd Street is remote, and the 15' right of way on the north and south sides of East 51st Street will be needed to widen the street to 90'. The City Attorney stated in the cases where the provisions for widening the street have been made the people dedicated the right of way. The possibility of a short form subdivision was discussed. Councilman Long suggested that the Council be furnished information on what has happened and what was recommended, maps, etc., as some of the present Council members were not familiar with this application.

Councilman Long reported two boys on a bicycle were hit by a truck first reported to be one of the Sanitation Trucks. The driver stopped and saw that the boys were all right, but the matter was not reported to the Investigation Officers. It was reported that this accident involved a contractor who does some brush cutting, and the Company was happy to buy a new bicycle because the incident had not been reported to the Police. The City Manager reported all City drivers are instructed to report every kind of an accident.

Mayor Palmer read a communication from DR. LUTHER M. WATSON, President Austin District Dental Society, as follows:

"We would like to acknowledge the work done by the Survey Team, Community Council and the Citizen Committee on the hospital facilities in Austin.

"We feel that the survey and report in general is very good and recommend that the program be started as soon as possible."

Also submitted by the Mayor was a communication from DR. GEORGE E. CLARK, JR., President of Travis County Medical Society, expressing appreciation and commendation to the Council for its deep interest in the health and hospital needs of our community, as evidenced by the recently completed professional survey presented to the public this past week; and offering the medical profession's assistance in any way possible.

Mayor Palmer extended the invitation from MR. O. RAY HURST, Texas Hospital Association, to the open house of the Association's new Headquarters Building, Friday evening, March 6th from 5 to 6 P.M.

MAYOR PALMER read a letter of commendation from Mr. Robert W. Payne, as follows:

"We have just received a building permit to construct a 56 unit apartment building near downtown Austin. I would like to take this opportunity to express our appreciation of the business like manner in which your Building Inspection Department is operating.

"Our Company builds all over the state and it was a most refreshing experience to do business with an Inspection Department that is conducted in such a friendly, yet professional manner. Mr. Davis and Mr. Jordan, as well as the individuals contacted in various departments, were most helpful and cooperative.

"There are several more projects on our drawing boards for your city and using our experience so far as an indicator, we are looking forward with anticipation to building in Austin."

The Mayor submitted a letter from COLONEL MORRIS S. SCHWARTZ asking the Council to reconsider raising the membership fee at the Municipal Golf Course from \$50 to \$100 a year, stating many of the golfers of the City would not have objected to a 50% increase to \$75.00.

The Mayor read a letter from MR. RONNIE DUGGER, as follows:

"I request the City Council to reconsider its zoning of the southwest corner of West 31st St. and Lamar Blvd., because of a change there.

"The corner was approved for commercial on the strength, at least in part, of representations that Smith-Corona would build there. It was our understanding in the neighborhood that Smith-Corona was the certain tenant; that there was no doubt of it; and from this we were left to infer that the structure would of course be a tasteful business building.

"As a residential neighborhood with many children and St. Andrews' School, many of us resisted the Council's decision

to zone the corner commercial. We retained Lester Proctor as our attorney for this purpose. The council made its decision.

"To whatever extent the Council acted on the basis of assurances that Smith-Corona would be the tenant and owner of the building thereon, it was misled and hoodwinked, as have been the residents of the neighborhood--many of us had doubts about it anyway.

"On the premises of the property in question now there is a sign that it is for sale or lease, with the owner's telephone number. In other words, Smith-Corona is not building there. This opens up our neighborhood to anything from a hamburger stand to God knows what. It is a material change in the situation and the basis of this request from me as a homeowner down 31st St. in the same block that you re-zone the corner residential.

"Thank you for your consideration."

The City Manager stated this land did not have frontage on Lamar; and when the Smith-Corona people learned the frontage was not available, they did not want to build.

The Mayor read a letter from William M. Sewell, regarding the Fire Prevention Code of Requirement for Workable Program Recertification. The letter pertained to requirement of all communities to have adopted a fire prevention code before a workable program for Community Improvement submitted after October 1, 1964, could be considered eligible for recertification by the Administrator, Housing and Home Financing in Washington. The City Manager reported that the City does have a fire prevention code which sets out fire zones and he explained the Code and its connection with the Building Code. The City had held back on extending the fire zones until modifications are made in the requirements within the zone, which takes place in the Building Code. The Mayor wanted to be sure that when it was time for the recertification that something would have been done about this. He asked if amendment of the Building Code this morning would be in compliance in having done something along the fire prevention lines. The Building Official stated they were going down the line of the Uniform Building Code, and they would outline what had been done on the ground. He believed that the Fire Code would be completed by October 1st, but not all of the Building Code. The Mayor referred the letter to the City Manager, and asked that the City comply with the letter so it would not be challenged. The Mayor suggested that Mr. Jordan and Mr. Williams get together; and if necessary call Mr. Sewell and tell him what is being done and see if everything will be in compliance.

Councilman Shanks inquired about the status of the Emergency Reporting System through the Telephone Company. The City Manager made a report. The Assistant City Manager pointed out two things that had held up the installation, and said within the next week or two, he believed everything would be worked out. He stated about 40 poles had to be relocated, and approval had to be received from the Highway Department and Bureau of Roads. The Telephone Company had brought up an additional one-time cost to the city which had not been mentioned before, and the City feels this is a cost which should be borne by the Telephone Company. The Mayor asked that this matter be pushed, as it does mean quite a

considerable savings to the people of Austin in their fire premiums. The Assistant City Manager stated if the City does what the Telephone Company now is asking, the considerable savings it had been talking about would not be realized.

The City Manager stated there was a request from Mr. Bill Youngblood, Chamber of Commerce, asking to appear before the Council next Thursday in connection with Tourism and Recreation Activities. It was decided they could appear at 11:15 A.M. the following week.

Councilman Shanks inquired about the Frederick Eby zoning case. The City Attorney stated there was a citizens advisory committee to the Planning Commission, to look into this. Brief discussion was held.

Councilman LaRue brought up for discussion a traffic situation on Balcones as pertained to the properties belonging to Mr. Bennett, Mr. Perry and Mr. Rothell. He stated the Council had studied it, and it was his belief that some relief should be given as far as the line of sight was concerned. It was his understanding that the property owners would do whatever was necessary to make their property available to the City to correct the situation. The Mayor stated it was his opinion that the owners would be permitted to proceed and do whatever they would like to do themselves. Councilman Long stated she questioned the advisability of their cutting down the hill on the city's right of way. The Mayor explained that the right of way in front of an individual's property is his out to the middle of the street; it is dedicated to public use; and everyone is asked to maintain that part between the curb and property line. The City Manager stated the City had the authority to go in, grade the area down and put in sidewalks and assess the property owner for the full cost. He said the Traffic and Transportation Department recommended this not be done at City expense, and that is the recommendation of the Director of Public Works. There is no reason why the property owner could not do it. Councilman Shanks suggested that these property owners be written a letter stating this was not the City's responsibility as far as the expenditure of the thing, and tell them something ought to be done; and if they want permission to do this, the Council will give the permission. The Council discussed this in quite a detailed manner. Councilman LaRue stated this was a hazardous situation and should be corrected. The Mayor suggested a 20 mile speed zone in there. Councilman LaRue suggested that he talk to these gentlemen; it was his understanding they would like that this be cut down without any expense other than the grading; but if there is a retaining wall required, it would be their responsibility. Councilman LaRue stated he would try to get them all together and see exactly what could be done.

The City Manager submitted a problem that had arisen on the lease of the Stroburg Tract, and he displayed a map of the area with the plans of the Botanical Gardens to be developed. The lessees, Mr. Tom Perkins and Mr. Warren Beeman, did not realize the excavation extended to the property line, and thought they would have a few feet on the south bank within the Stroburg lease where they could construct their building. When the line was marked on the ground, the south bank is south of the property line. The water in the pond is 40 feet deep. Mr. Perkins was inquiring if the City would permit them to place their building on the bank and cantilever it out over the water to some extent, but anchor it on the south bank, which would be on the Sand Beach Reserve. The Director of Public Works stated the original building was to be 30' x 120' or 130'. Many suggestions were

discussed to recommend to the lessees. The Mayor suggested that care be taken that the lease be confined to the Stroburg Tract, and that there be no encroachment on the Sand Beach Reserve. The Director of Public Works showed on the map an alternate location by utilizing Lots 7 and 8 and getting Berkman Avenue vacated, as it is not open on the ground. After discussing the whole matter in detail, the Director of Public Works stated he would call Mr. Perkins and ask him to get a construction engineer and work out some new plans and also tell him that the City Council does not want anything built on the Sand Beach Reserve.

There being no further business, Councilman LaRue moved that the Council adjourn. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The Council adjourned at 1:20 P.M. subject to the call of the Mayor.

APPROVED

F. L. Palmer
Mayor

ATTEST:

Elin Hooley
City Clerk